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BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X
RUSHOTEL LIMITED LIABILITY COMPANY,

Petitioner,

-against-

EAGLES OF USA, INC.,

Respondent.

----- X

MEMORANDUM AND ORDER

11-CV-267 (KAM) (LB)

MATSUMOTO, United States District Judge:

Petitioner Rushotel Limited Liability Company ("petitioner") moved to confirm a foreign arbitral award against Respondent Eagles of USA, Inc. ("respondent") pursuant to 9 U.S.C. § 207, which was enacted to implement the Convention on the Recognition and Enforcement of Foreign Arbitral Awards. Presently before the court is a Report and Recommendation issued by Magistrate Judge Bloom on March 25, 2011, recommending that the court grant the petitioner's motion to confirm the foreign arbitral award entered against respondent, enter judgment against the respondent in the amount of \$17,356.00 plus pre-judgment and post-judgment interest, calculated in accordance with 28 U.S.C. § 1961 starting from March 26, 2009 and accruing until the date of payment, and award \$39 in costs. (Doc. No. 29, Report and Recommendation at 1, 5-6.)

Notice of the Report and Recommendation was sent electronically to the parties appearing on the docket via the court's electronic filing system on March 25, 2011. The court

mailed a certified copy of the Report and Recommendation to respondent's last known address on March 25, 2011. As explicitly noted at the end of the Report and Recommendation, any objections to the Report and Recommendation were to be filed within fourteen days of service of the Report and Recommendation. (Report and Recommendation at 6.) The statutory period for filing objections has expired, and no objections to Magistrate Judge Bloom's Report and Recommendation have been filed.

In reviewing a Report and Recommendation, the district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). Where no objection to the Report and Recommendation has been filed, the district court "need only satisfy itself that that there is no clear error on the face of the record." *Urena v. New York*, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (quoting *Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)).

Upon a review of the Report and Recommendation, and considering that the parties have failed to object to any of Magistrate Judge Bloom's thorough and well-reasoned recommendations, the court finds no clear error in Magistrate Judge Bloom's Report and Recommendation. Except for the award of post-award, pre-judgment interest, which was neither requested by petitioner nor supported by the underlying contract or arbitral

award, and accrued in part because of petitioner's delay in retaining counsel and properly commencing this action, the court, in its discretion, hereby affirms and adopts the Report and Recommendation, as modified, as the opinion of the court.

Accordingly, petitioner's motion to confirm the foreign arbitral award entered against respondent is granted. The Clerk of the Court is respectfully requested to enter judgment against the respondent in the amount of \$17,356.00 plus post-judgment interest, calculated in accordance with 28 U.S.C. § 1961 starting from the date of entry of judgment and accruing until the date of payment, and awards \$39 in costs, for a total of \$17,395.00.

The Clerk of the Court is respectfully requested to serve a copy of this Memorandum and Order on respondent at respondent's last known address: Eagles of USA, Inc., 11 Hastings Street, First Floor, Brooklyn, New York 11235 and note such service in the docket. The Clerk of the Court is further directed to enter judgment in favor of petitioner in the amount of \$17,395.00 and to close this case.

SO ORDERED.

Dated: April 25, 2011
Brooklyn, New York

/s/
Kiyo A. Matsumoto
United States District Judge